

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**JACKIE DIANE ALLEN and
RICHARD B. TOBIAS,
Plaintiffs,**

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Civil Action No. 3:06-CV-1361-M

v.

**DAVID TRAVIS, ANTHONY W.
SCHWIGER, and KEN PRICE,
Defendants.**

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing the objections to the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and conducting a *de novo* review of those parts of the Findings and Conclusions to which objections have been made, I am of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court; provided, however, that this Court bases its decision to allow for service at this time on Plaintiff's good faith efforts to effectuate service, and not on Plaintiff's *pro se* status. The Court further notes that Defendants contend in their Objections that the statute of limitations has run. This factor is to be considered in granting an extension, rather than dismissing. *Lepone-Dempsey v. Carroll County Commissioner*, 476 F.3d 1277, 1282 (11th Cir. 2007).

Plaintiffs are hereby ordered to make additional efforts to complete proper service on Defendants Travis and Schwiger in accordance with FED. R. CIV. P. 4. Absent a further Order, failure to properly complete service within 30 days from the date of this Order will result in

dismissal with prejudice of all claims against said Defendants.

SO ORDERED this 10th day of July, 2007.

A handwritten signature in black ink, reading "Barbara M.G. Lynn". The signature is written in a cursive, flowing style.

**BARBARA M.G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS**